

# Senate Amendment 5464

PAG LIN

1 1 Amend House File 2700, as amended, passed, and  
1 2 reprinted by the House, as follows:  
1 3 #1. Page 2, line 12, by striking the figure  
1 4 <1,439,884> and inserting the following: <1,400,261>.  
1 5 #2. Page 9, by striking lines 21 and 22 and  
1 6 inserting the following: <director, and the Iowa>.  
1 7 #3. Page 12, lines 12 and 13, by striking the  
1 8 words <secretary of the Iowa state fair board,>.  
1 9 #4. Page 17, by inserting after line 28 the  
1 10 following:

1 11 <Sec. \_\_\_\_\_. Section 173.10, Code 2007, is amended  
1 12 to read as follows:  
1 13 173.10 SALARY OF SECRETARY.

1 14 ~~The secretary shall receive the salary fixed by the~~  
1 15 ~~board. The compensation and employment terms of the~~  
1 16 ~~secretary shall be set by the governor, taking into~~  
1 17 ~~consideration the level of knowledge and experience of~~  
1 18 ~~the secretary.>~~

1 19 #5. Page 17, by inserting after line 30 the  
1 20 following:

1 21 <Sec. \_\_\_\_\_. Section 8.7, Code 2007, is amended to  
1 22 read as follows:

1 23 8.7 REPORTING OF GIFTS AND BEQUESTS RECEIVED.  
1 24 All gifts, and bequests, ~~and grants~~ received by a  
1 25 department or accepted by the governor on behalf of  
1 26 the state shall be reported to the Iowa ethics and  
1 27 campaign disclosure board and the government oversight  
1 28 committees. The ethics and campaign disclosure board  
1 29 shall, by January 31 of each year, submit to the  
1 30 fiscal services division of the legislative services  
1 31 agency a written report listing all gifts, and  
1 32 bequests, ~~and grants~~ received during the previous  
1 33 calendar year with a value over one thousand dollars  
1 34 and the purpose for each such gift, or bequest, ~~or~~  
1 35 ~~grant~~. The submission shall also include a listing of  
1 36 all gifts, and bequests, ~~and grants~~ received by a  
1 37 department from a person if the cumulative value of  
1 38 all gifts, and bequests, ~~and grants~~ received by the  
1 39 department from the person during the previous  
1 40 calendar year exceeds one thousand dollars, and the  
1 41 ethics and campaign disclosure board shall include, if  
1 42 available, the purpose for each such gift, or bequest,  
1 43 ~~or grant~~. However, the reports on gifts, ~~grants~~, or  
1 44 bequests filed by the state board of regents pursuant  
1 45 to section 8.44 shall be deemed sufficient to comply  
1 46 with the requirements of this section.

1 47 Sec. \_\_\_\_\_. Section 8.9, Code 2007, is amended to  
1 48 read as follows:

1 49 8.9 GRANTS ENTERPRISE MANAGEMENT OFFICE.  
1 50 1. The office of grants enterprise management is  
2 1 established in the department of management. The  
2 2 function of the office is to develop and administer a  
2 3 system to track, identify, advocate for, and  
2 4 coordinate nonstate grants as defined in section 8.2,  
2 5 subsections 1 and 3. Staffing for the office of  
2 6 grants enterprise management shall be provided by a  
2 7 facilitator appointed by the director of the  
2 8 department of management. Additional staff may be  
2 9 hired, subject to the availability of funding.  
2 10 Funding for the office is from the appropriation to  
2 11 the department pursuant to section 8A.505, subsection  
2 12 2.

2 13 2. a. All grant applications submitted and grant  
2 14 moneys received by a department on behalf of the state  
2 15 shall be reported to the office of grants enterprise  
2 16 management. The office shall by January 31 of each  
2 17 year submit to the fiscal services division of the  
2 18 legislative services agency a written report listing  
2 19 all grants received during the previous calendar year  
2 20 with a value over one thousand dollars and the funding  
2 21 entity and purpose for each grant. However, the  
2 22 reports on grants filed by the state board of regents  
2 23 pursuant to section 8.44 shall be deemed sufficient to  
2 24 comply with the requirements of this subsection.

2 25 b. The office of grants enterprise management  
2 26 shall submit by July 1 and January 1 of each year to  
2 27 the government oversight committees a written report  
2 28 summarizing departmental compliance with the  
2 29 requirements of this subsection.

2 30 Sec. \_\_\_\_ Section 12C.16, subsection 1, paragraph  
2 31 b, subparagraph (4), Code Supplement 2007, is amended  
2 32 to read as follows:

2 33 (4) To the extent of the guarantee, loans,  
2 34 obligations, or nontransferable letters of credit upon  
2 35 which the payment of principal and interest is fully  
2 36 secured or guaranteed by the United States of America  
2 37 or an agency or instrumentality of the United States  
2 38 of America or the United States central credit union,  
2 39 a corporate central credit union organized under  
2 40 section 533.213, or a corporate credit union ~~organized~~  
2 41 ~~under 12 C.F.R. } 704 whose activities are subject to~~  
2 42 regulation by the national credit union

2 43 administration, and the rating of any one of such  
2 44 credit unions remains within the two highest  
2 45 classifications of prime established by at least one  
2 46 of the standard rating services approved by the  
2 47 superintendent of banking by rule pursuant to chapter  
2 48 17A. The treasurer of state shall adopt rules  
2 49 pursuant to chapter 17A to implement this section.

2 50 Sec. \_\_\_\_ Section 12C.17, subsection 1, paragraph  
3 1 c, Code Supplement 2007, is amended to read as  
3 2 follows:

3 3 c. The securities shall be deposited with the  
3 4 federal reserve bank, the federal home loan bank of  
3 5 Des Moines, Iowa, or the United States central credit  
3 6 union, a corporate central credit union organized  
3 7 under section 533.213, or a corporate credit union  
3 8 ~~organized under 12 C.F.R. } 704 whose activities are~~  
3 9 subject to regulation by the national credit union

3 10 administration pursuant to a bailment agreement or a  
3 11 pledge custody agreement.

3 12 Sec. \_\_\_\_ Section 12C.17, subsection 4, Code  
3 13 Supplement 2007, is amended to read as follows:

3 14 4. Upon written request from the appropriate  
3 15 public officer but not less than monthly, the federal  
3 16 reserve bank, the federal home loan bank of Des  
3 17 Moines, Iowa, the United States central credit union,  
3 18 a corporate central credit union organized under  
3 19 section 533.213, or a corporate credit union ~~organized~~  
3 20 ~~under 12 C.F.R. } 704 whose activities are subject to~~  
3 21 regulation by the national credit union administration

3 22 shall report a description, the par value, and the  
3 23 market value of any pledged collateral by a credit  
3 24 union.>

3 25 #6. Page 19, line 13, by inserting after the word  
3 26 <subsection> the following: <, or not otherwise  
3 27 confidential,>.

3 28 #7. Page 20, by inserting after line 20 the  
3 29 following:

3 30 <Sec. \_\_\_\_ Section 39A.5, subsection 1, paragraph  
3 31 b, Code Supplement 2007, is amended by adding the  
3 32 following new subparagraph:

3 33 NEW SUBPARAGRAPH. (4) As an employer, denying an  
3 34 employee the privilege conferred by section 43.4A to  
3 35 attend a precinct caucus, or subjecting an employee to  
3 36 a penalty because of the exercise of that privilege.

3 37 Sec. \_\_\_\_ NEW SECTION. 43.4A EMPLOYEES ENTITLED  
3 38 TO TIME TO PARTICIPATE IN PRESIDENTIAL PRECINCT  
3 39 CAUCUSES.

3 40 1. Any person entitled to participate in a  
3 41 precinct caucus held as part of the presidential  
3 42 nominating process in this state who is required to be  
3 43 present at work for an employer during the four-hour  
3 44 period starting one hour prior to the time the  
3 45 precinct caucus starts is entitled to take unpaid  
3 46 leave for as much of that four-hour period as is  
3 47 necessary to participate in the precinct caucus except  
3 48 as provided by this section. Application by any  
3 49 employee for such absence shall be made to the  
3 50 employee's employer individually and in writing at  
4 1 least fourteen days prior to the time the precinct  
4 2 caucus is scheduled to start. The employee shall not  
4 3 be liable for any loss of wages or salary or any other  
4 4 penalty except for the loss of wages or salary for the  
4 5 hours of unpaid leave actually used.

4 6 2. a. An application for an absence by an  
4 7 employee may be denied by an employer if all the  
4 8 following circumstances exist:

4 9 (1) The person is employed in an emergency  
4 10 services position which shall include peace officer,  
4 11 fire fighter, emergency medical personnel, and any  
4 12 other position that seriously affects public health or  
4 13 safety, or is employed by an entity that would  
4 14 experience severe economic or operational disruption  
4 15 due to the person's absence.

4 16 (2) The employer filed a written notice with the  
4 17 commissioner at least seven days prior to the date of  
4 18 the precinct caucus specifying exigent circumstances  
4 19 justifying the denial of such leave for personnel  
4 20 described in subparagraph (1) and declaring the  
4 21 minimum number of such personnel, by position, needed  
4 22 to protect public health and safety or maintain  
4 23 minimum operational capacity, as applicable. A copy  
4 24 of this written notice shall be provided to employees  
4 25 of the employer.

4 26 (3) The number of persons employed in a position  
4 27 that did not apply for an absence is less than the  
4 28 minimum number of persons in that position needed by  
4 29 the employer to protect public health and safety or  
4 30 maintain minimum operational capacity, as applicable.

4 31 b. If the circumstances in paragraph "a" exist as  
4 32 to a particular position of the employer, then the  
4 33 employer may deny the minimum number of employees  
4 34 applying for an absence in that position needed to  
4 35 yield the minimum staffing level for that position as  
4 36 specified in the written notice to the commissioner.  
4 37 The selection of which employees applying for an  
4 38 absence shall be denied shall be made without regard  
4 39 to political party affiliation, political belief, or  
4 40 affiliation with or support for any candidate, or for  
4 41 any of the grounds for which employment discrimination  
4 42 is prohibited in this state.

4 43 3. An employer may, in lieu of providing unpaid  
4 44 leave to affected employees to attend a presidential  
4 45 precinct caucus, do any of the following:

4 46 a. Authorize paid leave to all affected employees.  
4 47 b. Allow all affected employees the option to work  
4 48 additional compensatory hours, at a time designated by  
4 49 the employer not in conflict with the time needed for  
4 50 caucus participation, equal in number to the number of  
5 1 hours taken to participate in the presidential  
5 2 precinct caucus. The option of working compensatory  
5 3 hours may be exercised individually by each employee.  
5 4 Work done during the compensatory hours shall be  
5 5 compensated in the same manner as work during regular  
5 6 hours.>

5 7 #8. Page 22, by inserting before line 31 the  
5 8 following:

5 9 <Sec. \_\_\_\_ Section 68B.32, subsection 1, Code  
5 10 2007, is amended to read as follows:

5 11 1. An Iowa ethics and campaign disclosure board is  
5 12 established as an independent agency. The board shall  
5 13 administer this chapter and set standards for,  
5 14 investigate complaints relating to, and monitor the  
5 15 ethics of officials, employees, lobbyists, and  
5 16 candidates for office in the executive branch of state  
5 17 government. The board shall administer and set  
5 18 standards for, investigate complaints relating to, and  
5 19 monitor the campaign finance practices of candidates  
5 20 for public office. The board shall administer and  
5 21 establish standards for, investigate complaints  
5 22 relating to, and monitor the reporting of gifts, ~~and~~  
5 23 ~~bequests, and grants~~ under section 8.7. The board  
5 24 shall consist of six members and shall be balanced as  
5 25 to political affiliation as provided in section 69.16.  
5 26 The members shall be appointed by the governor,  
5 27 subject to confirmation by the senate.

5 28 Sec. \_\_\_\_ Section 68B.32A, subsection 4, Code  
5 29 Supplement 2007, is amended to read as follows:

5 30 4. Receive and file registration and reports from  
5 31 lobbyists of the executive branch of state government,  
5 32 client disclosure from clients of lobbyists of the  
5 33 executive branch of state government, personal  
5 34 financial disclosure information from officials and  
5 35 employees in the executive branch of state government  
5 36 who are required to file personal financial disclosure

5 37 information under this chapter, and gift, ~~and~~ bequest  
5 38 ~~and grant~~ disclosure information pursuant to section  
5 39 8.7. The board, upon its own motion, may initiate  
5 40 action and conduct a hearing relating to reporting  
5 41 requirements under this chapter or section 8.7.

5 42 Sec. \_\_\_\_\_. Section 84A.5, subsection 1, paragraph  
5 43 a, Code Supplement 2007, is amended to read as  
5 44 follows:

5 45 a. The workforce development system shall strive  
5 46 to provide high quality services to its customers  
5 47 including workers, families, and businesses. The  
5 48 department of workforce development shall maintain a  
5 49 common intake, assessment, and customer tracking  
5 50 system and to the extent practical provide one-stop  
6 1 services to customers at workforce development centers  
6 2 and other service access points. The department of  
6 3 workforce development shall administer a statewide  
6 4 standard skills assessment to assess the employability  
6 5 skills of adult workers statewide and shall instruct  
6 6 appropriate department staff in the administration of  
6 7 the assessment. The assessment shall be included in  
6 8 the one-stop services provided to customers at  
6 9 workforce development centers and other service access  
6 10 points throughout the state.

6 11 Sec. \_\_\_\_\_. Section 85.1, subsection 6, Code  
6 12 Supplement 2007, is amended to read as follows:

6 13 6. Employers may with respect to an employee or a  
6 14 classification of employees exempt from coverage  
6 15 provided by this chapter pursuant to subsection 1, 2,  
6 16 or 3, other than the employee or classification of  
6 17 employees with respect to whom a rule of liability or  
6 18 a method of compensation is established by the  
6 19 Congress of the United States, assume a liability for  
6 20 compensation imposed upon employers by this chapter,  
6 21 for the benefit of employees within the coverage of  
6 22 this chapter, by the purchase of valid workers'  
6 23 compensation insurance that does not specifically  
6 24 exclude the employee or classification of employees.  
6 25 In addition, an employer that assumed a liability for  
6 26 compensation imposed upon employers by this chapter  
6 27 pursuant to a collective bargaining agreement with  
6 28 respect to an employee or a classification of  
6 29 employees exempt from coverage provided by this  
6 30 chapter pursuant to subsection 4 as of July 1, 2007,  
6 31 may continue to assume liability for that compensation  
6 32 pursuant to a subsequent collective bargaining  
6 33 agreement, for the benefit of such employees, by the  
6 34 purchase of valid workers' compensation insurance that  
6 35 does not specifically exclude that employee or  
6 36 classification of employees. The purchase of and  
6 37 acceptance by an employer of valid workers'  
6 38 compensation insurance applicable to the employee or  
6 39 classification of employees constitutes an assumption  
6 40 by the employer of liability without any further act  
6 41 on the part of the employer, but only with respect to  
6 42 the employee or classification of employees as are  
6 43 within the coverage of the workers' compensation  
6 44 insurance contract and only for the time period in  
6 45 which the insurance contract is in force. Upon an  
6 46 election of such coverage, the employee or  
6 47 classification of employees shall accept compensation  
6 48 in the manner provided by this chapter and the  
6 49 employer shall be relieved from any other liability  
6 50 for recovery of damage, or other compensation for  
7 1 injury.

7 2 Sec. \_\_\_\_\_. Section 96.3, subsection 5, Code 2007,  
7 3 is amended to read as follows:

7 4 5. a. DURATION OF BENEFITS. The maximum total  
7 5 amount of benefits payable to an eligible individual  
7 6 during a benefit year shall not exceed the total of  
7 7 the wage credits accrued to the individual's account  
7 8 during the individual's base period, or twenty-six  
7 9 times the individual's weekly benefit amount,  
7 10 whichever is the lesser. The director shall maintain  
7 11 a separate account for each individual who earns wages  
7 12 in insured work. The director shall compute wage  
7 13 credits for each individual by crediting the  
7 14 individual's account with one-third of the wages for  
7 15 insured work paid to the individual during the  
7 16 individual's base period. However, the director shall  
7 17 recompute wage credits for an individual who is laid

7 18 off due to the individual's employer going out of  
7 19 business at the factory, establishment, or other  
7 20 premises at which the individual was last employed, by  
7 21 crediting the individual's account with one-half,  
7 22 instead of one-third, of the wages for insured work  
7 23 paid to the individual during the individual's base  
7 24 period. Benefits paid to an eligible individual shall  
7 25 be charged against the base period wage credits in the  
7 26 individual's account which have not been previously  
7 27 charged, in the inverse chronological order as the  
7 28 wages on which the wage credits are based were paid.  
7 29 However if the state "off indicator" is in effect and  
7 30 if the individual is laid off due to the individual's  
7 31 employer going out of business at the factory,  
7 32 establishment, or other premises at which the  
7 33 individual was last employed, the maximum benefits  
7 34 payable shall be extended to thirty-nine times the  
7 35 individual's weekly benefit amount, but not to exceed  
7 36 the total of the wage credits accrued to the  
7 37 individual's account.

7 38 b. TRAINING EXTENSION BENEFITS. An individual who  
7 39 is in training with the approval of the director at  
7 40 the time regular benefits are exhausted may be  
7 41 eligible for training extension benefits. The  
7 42 training extension benefit amount shall be twenty-six  
7 43 times the individual's weekly benefit amount, and the  
7 44 weekly benefit amount shall be equal to the  
7 45 individual's weekly benefit amount for the claim in  
7 46 which benefits were exhausted while in training. An  
7 47 individual who is receiving training extension  
7 48 benefits shall not be denied benefits due to  
7 49 application of section 96.4, subsection 3, or section  
7 50 96.5, subsection 3. However, an employer's account  
8 1 shall not be charged with benefits so paid. Relief of  
8 2 charges under this paragraph applies to both  
8 3 contributory and reimbursable employers,  
8 4 notwithstanding section 96.8, subsection 5. In order  
8 5 for the individual to be eligible for training  
8 6 extension benefits the training must be for a  
8 7 high-demand or high-technology occupation, including  
8 8 fields of life sciences, advanced manufacturing,  
8 9 biotechnology, alternative fuels, insurance, and  
8 10 environmental technology. "High-demand occupation"  
8 11 means an occupation in a labor market area in which  
8 12 the department determines work opportunities are  
8 13 available and there is a lack of qualified  
8 14 applicants.>

8 15 #9. Page 26, by inserting after line 16 the  
8 16 following:

8 17 <Sec. \_\_\_\_ Section 135C.40, subsection 1, Code  
8 18 2007, is amended to read as follows:

8 19 1. If the director determines, based on the  
8 20 findings of an inspection or investigation of a health  
8 21 care facility, that the facility is in violation of  
8 22 this chapter, ~~or~~ rules adopted under this chapter, ~~or~~  
8 23 ~~the federal certification guidelines,~~ the director  
8 24 ~~within five ten~~ working days after ~~making the~~  
8 25 ~~determination~~ completion of an on-site survey, ~~may~~  
8 26 ~~shall~~ issue a written citation all statements of  
8 27 deficiencies, including any state citations issued to  
8 28 the facility under rules adopted by the department.  
8 29 The citation shall be served upon the facility  
8 30 personally ~~or,~~ by electronic mail, ~~or~~ by certified  
8 31 mail, except that a citation for a Class III violation  
8 32 may be sent by ordinary mail. Each citation shall  
8 33 specifically describe the nature of the violation,  
8 34 identifying the Code section or subsection or the rule  
8 35 or standard violated, and the classification of the  
8 36 violation under section 135C.36. Where appropriate,  
8 37 the citation shall also state the period of time  
8 38 allowed for correction of the violation, which shall  
8 39 in each case be the shortest period of time the  
8 40 department deems feasible. Failure to correct a  
8 41 violation within the time specified, unless the  
8 42 licensee shows that the failure was due to  
8 43 circumstances beyond the licensee's control, shall  
8 44 subject the facility to a further penalty of fifty  
8 45 dollars for each day that the violation continues  
8 46 after the time specified for correction.

8 47 a. If a facility licensed under this chapter  
8 48 submits a plan of correction relating to a statement

8 49 of deficiencies or a response to a citation issued  
8 50 under rules adopted by the department and the  
9 1 department elects to conduct an on-site revisit  
9 2 survey, the department shall commence the revisit  
9 3 survey within ten business days of the date that the  
9 4 plan of correction is received, or the date specified  
9 5 within the plan of correction alleging compliance,  
9 6 whichever is later.

9 7 b. If the department recommends the issuance of  
9 8 federal remedies pursuant to 42 C.F.R. } 488.406  
9 9 (a)(2) or (a)(3), relating to a survey conducted by  
9 10 the department, the department shall issue the  
9 11 statement of deficiencies within twenty-four hours of  
9 12 the date that the centers for Medicare and Medicaid  
9 13 services of the United States department of health and  
9 14 human services was notified of the recommendation for  
9 15 the imposition of remedies.>

9 16 #10. Page 26, by inserting after line 16 the  
9 17 following:

9 18 <Sec. \_\_\_\_\_. Section 135H.3, Code 2007, is amended  
9 19 to read as follows:  
9 20 135H.3 NATURE OF CARE.

9 21 1. A psychiatric medical institution for children  
9 22 shall utilize a team of professionals to direct an  
9 23 organized program of diagnostic services, psychiatric  
9 24 services, nursing care, and rehabilitative services to  
9 25 meet the needs of residents in accordance with a  
9 26 medical care plan developed for each resident. Social  
9 27 and rehabilitative services shall be provided under  
9 28 the direction of a qualified mental health  
9 29 professional.

9 30 2. A child who requires treatment for a  
9 31 biologically based mental illness as defined in  
9 32 section 514C.22, and meets the medical assistance  
9 33 program criteria for admission to a psychiatric  
9 34 medical institution for children shall be deemed to  
9 35 meet the acuity criteria for inpatient benefits under  
9 36 a group policy, contract, or plan providing for  
9 37 third-party payment or prepayment of health, medical,  
9 38 and surgical coverage benefits issued by a carrier, as  
9 39 defined in section 513B.2, or by an organized delivery  
9 40 system authorized under 1993 Iowa Acts, chapter 158,  
9 41 that is subject to section 514C.22.>

9 42 #11. Page 29, by inserting after line 22 the  
9 43 following:

9 44 <Sec. \_\_\_\_\_. NEW SECTION. 231C.20 CITATIONS ==  
9 45 MONITORING VISITS.

9 46 1. All results of state monitoring visits,  
9 47 including complaint investigations or certification  
9 48 inspections conducted by the department pursuant to  
9 49 this chapter or rules adopted by the department shall  
9 50 be submitted by the department personally, by  
10 1 electronic mail, or by certified mail to the program  
10 2 no later than ten business days following completion  
10 3 of an on-site monitoring visit, if findings of  
10 4 noncompliance are cited.

10 5 2. If a program certified under this chapter  
10 6 submits a plan of correction relating to the statement  
10 7 of noncompliance or a response to a civil penalty  
10 8 issued under rules adopted by the department, and the  
10 9 department elects to conduct an on-site monitoring  
10 10 revisit, the department shall commence the monitoring  
10 11 revisit within ten business days of the date that the  
10 12 plan of correction is received, or the date specified  
10 13 within the plan of correction alleging compliance,  
10 14 whichever is later.>

10 15 #12. Page 29, by inserting after line 26 the  
10 16 following:

10 17 <Sec. \_\_\_\_\_. Section 280.7A, as enacted by 2008 Iowa  
10 18 Acts, Senate File 2251, section 1, is amended by  
10 19 adding the following new subsections:

10 20 NEW SUBSECTION. 4. A comprehensive vision  
10 21 screening by a certified vision screener provided by  
10 22 the school district shall be given within the first  
10 23 thirty days of the first day of the school year to  
10 24 students entering kindergarten, first grade, third  
10 25 grade, sixth grade, and eighth grade, and to transfer  
10 26 students and students referred for screening by a  
10 27 parent or teacher. A student shall be required to  
10 28 receive a comprehensive vision screening only once  
10 29 within a thirty-six month period.

10 30 NEW SUBSECTION. 5. A student who is not able to  
10 31 pass the comprehensive vision screening, pursuant to  
10 32 subsection 4, shall be required to have a  
10 33 comprehensive eye examination performed by a licensed  
10 34 optometrist, ophthalmologist, or physician trained in  
10 35 providing comprehensive eye care. A student's parent  
10 36 or guardian shall be responsible for ensuring that a  
10 37 student receives a comprehensive eye examination  
10 38 pursuant to this subsection. No penalty shall be  
10 39 imposed as a result of a student not receiving a  
10 40 recommended comprehensive eye examination.>

10 41 #13. Page 29, by inserting after line 26 the  
10 42 following:

10 43 <Sec. \_\_\_\_\_. Section 321A.3, subsections 1, 5, and  
10 44 6, Code Supplement 2007, are amended to read as  
10 45 follows:

10 46 1. The department shall upon request furnish any  
10 47 person a certified abstract of the operating record of  
10 48 a person subject to chapter 321, 321J, or this  
10 49 chapter. The abstract shall also fully designate the  
10 50 motor vehicles, if any, registered in the name of the  
11 1 person. If there is no record of a conviction of the  
11 2 person having violated any law relating to the  
11 3 operation of a motor vehicle or of any injury or  
11 4 damage caused by the person, the department shall so  
11 5 certify. A fee of five dollars and fifty cents shall  
11 6 be paid for each abstract except for state, county, or  
11 7 city officials, court officials, public transit  
11 8 officials, or other officials of a political  
11 9 subdivision of the state or a nonprofit charitable  
11 10 organization described in section 501(c)(3) of the  
11 11 Internal Revenue Code. The department shall transfer  
11 12 the moneys collected under this section to the  
11 13 treasurer of state who shall credit to the general  
11 14 fund all moneys collected.

11 15 ~~5. The department may permit any person to view  
11 16 the operating record of a person subject to chapter  
11 17 321 or this chapter through one of the department's  
11 18 computer terminals or through a computer printout  
11 19 generated by the department. The department shall not  
11 20 require a fee for a person to view their own operating  
11 21 record, but the department shall impose a fee of one  
11 22 dollar for each of the first five operating records  
11 23 viewed within a calendar day and two dollars for each  
11 24 additional operating record viewed within the calendar  
11 25 day.~~

11 26 6. Fees under ~~subsections subsection 1 and 5~~ may  
11 27 be paid by credit cards, as defined in section  
11 28 537.1301, subsection 17, approved for that purpose by  
11 29 the department of transportation. The department  
11 30 shall enter into agreements with financial  
11 31 institutions extending credit through the use of  
11 32 credit cards to ensure payment of the fees. The  
11 33 department shall adopt rules pursuant to chapter 17A  
11 34 to implement the provisions of this subsection.

11 35 Sec. \_\_\_\_\_. Section 321A.3, Code Supplement 2007, is  
11 36 amended by adding the following new subsection:

11 37 NEW SUBSECTION. 8. A person making a request for  
11 38 a record or an abstract under this section that is  
11 39 subject to a fee shall only use the record or abstract  
11 40 requested one time, for one purpose, and it shall not  
11 41 supply that record to more than one other person. Any  
11 42 subsequent use of the same record or abstract shall  
11 43 require that the person make a subsequent request for  
11 44 the record or abstract and pay an additional fee for  
11 45 the request in the same manner as provided for the  
11 46 initial request. A person requesting a record or an  
11 47 abstract pursuant to this section shall keep records  
11 48 identifying who the record or abstract is provided to,  
11 49 and the use of the record or abstract, for a period of  
11 50 five years. Records maintained pursuant to this  
12 1 subsection shall be made available to the department  
12 2 upon request. A person shall not sell, retain,  
12 3 distribute, provide, or transfer any record or  
12 4 abstract information or portion of the record or  
12 5 abstract information acquired under this agreement  
12 6 except as authorized by the department and the federal  
12 7 Driver's Privacy Protection Act, 18 U.S.C. }

12 8 2721=2725.>

12 9 #14. Page 32, by inserting after line 33 the  
12 10 following:

12 11 <Sec. \_\_\_\_\_. Section 423B.1, subsection 6, Code  
12 12 Supplement 2007, is amended by adding the following  
12 13 new paragraph:  
12 14 NEW PARAGRAPH. c. Notwithstanding any other  
12 15 provision in this section, a change in use of the  
12 16 local sales and services tax revenues for purposes of  
12 17 funding an urban renewal project pursuant to section  
12 18 423B.10 does not require an election.  
12 19 Sec. \_\_\_\_\_. Section 423B.7, subsection 1, Code 2007,  
12 20 is amended to read as follows:  
12 21 1. a. The Except as provided in paragraph "b",  
12 22 the director shall credit the local sales and services  
12 23 tax receipts and interest and penalties from a  
12 24 county-imposed tax to the county's account in the  
12 25 local sales and services tax fund and from a  
12 26 city-imposed tax under section 423B.1, subsection 2,  
12 27 to the city's account in the local sales and services  
12 28 tax fund. If the director is unable to determine from  
12 29 which county any of the receipts were collected, those  
12 30 receipts shall be allocated among the possible  
12 31 counties based on allocation rules adopted by the  
12 32 director.  
12 33 b. Notwithstanding paragraph "a", the director  
12 34 shall credit the designated amount of the increase in  
12 35 local sales and services tax receipts, as computed in  
12 36 section 423B.10, collected in an urban renewal area of  
12 37 an eligible city that has adopted an ordinance  
12 38 pursuant to section 423B.10, subsection 2, into a  
12 39 special city account in the local sales and services  
12 40 tax fund.  
12 41 Sec. \_\_\_\_\_. Section 423B.7, Code 2007, is amended by  
12 42 adding the following new subsection:  
12 43 NEW SUBSECTION. 5A. From each special city  
12 44 account, the revenues shall be remitted to the city  
12 45 council for deposit in the special fund created in  
12 46 section 403.19, subsection 2, to be used by the city  
12 47 as provided in section 423B.10. The distribution from  
12 48 the special city account is not subject to the  
12 49 distribution formula provided in subsections 3, 4, and  
12 50 5.  
13 1 Sec. \_\_\_\_\_. NEW SECTION. 423B.10 FUNDING URBAN  
13 2 RENEWAL PROJECTS.  
13 3 1. For purposes of this section, unless the  
13 4 context otherwise requires:  
13 5 a. "Base year" means the fiscal year during which  
13 6 an ordinance is adopted that provides for funding of  
13 7 an urban renewal project by a designated amount of the  
13 8 increased sales and services tax revenues.  
13 9 b. "Eligible city" means a city in which a local  
13 10 sales and services tax imposed by the county applies  
13 11 or a city described in section 423B.1, subsection 2,  
13 12 paragraph "a", and in which an urban renewal area has  
13 13 been designated.  
13 14 c. "Retail establishment" means a business  
13 15 operated by a retailer as defined in section 423.1.  
13 16 d. "Urban renewal area" and "urban renewal  
13 17 project" mean the same as defined in section 403.17.  
13 18 2. An eligible city may by ordinance of the city  
13 19 council provide for the use of a designated amount of  
13 20 the increased local sales and services tax revenues  
13 21 collected under this chapter which are attributable to  
13 22 retail establishments in an urban renewal area to fund  
13 23 urban renewal projects located in the area. The  
13 24 designated amount may be all or a portion of such  
13 25 increased revenues.  
13 26 3. To determine the revenue increase for purposes  
13 27 of subsection 2, revenue amounts shall be calculated  
13 28 by the department of revenue as follows:  
13 29 a. Determine the amount of local sales and  
13 30 services tax revenue collected from retail  
13 31 establishments located in the area comprising the  
13 32 urban renewal area during the base year.  
13 33 b. Determine the current year revenue amount for  
13 34 each fiscal year following the base year in the manner  
13 35 specified in paragraph "a".  
13 36 c. The excess of the amount determined in  
13 37 paragraph "b" over the base year revenue amount  
13 38 determined in paragraph "a" is the increase in the  
13 39 local sales and services tax revenues of which the  
13 40 designated amount is to be deposited in the special  
13 41 city account created in section 423B.7, subsection 5A.

13 42 4. The ordinance adopted pursuant to this section  
13 43 is repealed when the area ceases to be an urban  
13 44 renewal area or twenty years following the base year,  
13 45 whichever is the earlier.

13 46 5. In addition to the moneys received pursuant to  
13 47 the ordinance authorized under subsection 2, an  
13 48 eligible city may deposit any other local sales and  
13 49 services tax revenues received by it pursuant to the  
13 50 distribution formula in section 423B.7, subsections 3,  
14 1 4, and 5, to the special fund described in section  
14 2 403.19, subsection 2.

14 3 6. For purposes of this section, the eligible city  
14 4 shall assist the department of revenue in identifying  
14 5 retail establishments in the urban renewal area that  
14 6 are collecting the local sales and services tax. This  
14 7 process shall be ongoing until the ordinance is  
14 8 repealed.>

14 9 #15. Page 34, by inserting after line 7 the  
14 10 following:

14 11 <Sec. \_\_\_\_\_. Section 423F.3, subsection 3, paragraph  
14 12 c, as enacted by 2008 Iowa Acts, House File 2663,  
14 13 section 29, if enacted, is amended to read as follows:

14 14 c. The board secretary shall notify the county  
14 15 commissioner of elections of the intent to take the  
14 16 issue to the voters. The county commissioner of  
14 17 elections shall publish the notices required by law  
14 18 for special or general elections, and the election  
14 19 shall be held ~~not sooner than thirty days nor later~~  
~~than forty days after notice from the school board on~~  
14 21 ~~a date specified in section 39.2, subsection 4,~~  
14 22 ~~paragraph "c".~~ A majority of those voting on the  
14 23 question must favor approval of the revenue purpose  
14 24 statement. If the proposal is not approved, the  
14 25 school district shall not submit the same or new  
14 26 revenue purpose statement to the electors for a period  
14 27 of six months from the date of the previous election.>

14 28 #16. Page 35, by inserting after line 20 the  
14 29 following:

14 30 <Sec. \_\_\_\_\_. Section 441.38, subsection 1, Code  
14 31 2007, is amended to read as follows:

14 32 1. Appeals may be taken from the action of the  
14 33 local board of review with reference to protests of  
14 34 assessment, to the district court of the county in  
14 35 which the board holds its sessions within twenty days  
14 36 after its adjournment or May 31, whichever date is  
14 37 later. Appeals may be taken from the action of the  
14 38 property assessment appeal board to the district court  
14 39 of the county where the property which is the subject  
14 40 of the appeal is located within twenty days after the  
14 41 letter of disposition of the appeal by the property  
14 42 assessment appeal board is postmarked to the  
14 43 appellant. No new grounds in addition to those set  
14 44 out in the protest to the local board of review as  
14 45 provided in section 441.37, or in addition to those  
14 46 set out in the appeal to the property assessment  
14 47 appeal board, if applicable, can be pleaded, ~~but~~  
~~additional.~~ Additional evidence to sustain those  
14 49 grounds may be introduced in an appeal from the local  
14 50 board of review to the district court. However, no  
15 1 new evidence to sustain those grounds may be  
15 2 introduced in an appeal from the property assessment  
15 3 appeal board to the district court. The assessor  
15 4 shall have the same right to appeal and in the same  
15 5 manner as an individual taxpayer, public body, or  
15 6 other public officer as provided in section 441.42.  
15 7 Appeals shall be taken by filing a written notice of  
15 8 appeal with the clerk of district court. Filing of  
15 9 the written notice of appeal shall preserve all rights  
15 10 of appeal of the appellant.>

15 11 #17. Page 45, by inserting before line 6 the  
15 12 following:

15 13 <Sec. \_\_\_\_\_. 2007 Iowa Acts, chapter 206, section 6,  
15 14 unnumbered paragraph 3, is amended to read as follows:

15 15 Notwithstanding section 8.33, moneys appropriated  
15 16 in this section that remain unencumbered or  
15 17 unobligated at the close of the fiscal year shall not  
15 18 revert but shall remain available for expenditure for  
15 19 the purposes designated until the close of the  
15 20 ~~succeeding~~ fiscal year beginning July 1, 2008.>

15 21 #18. Page 45, by inserting after line 19 the  
15 22 following:

15 23 <Sec. \_\_\_\_\_. MEDICAL ASSISTANCE == APPROPRIATION.  
15 24 There is appropriated from the general fund of the  
15 25 state to the department of human services for the  
15 26 fiscal year beginning July 1, 2008, and ending June  
15 27 30, 2009, the following amount, or so much thereof as  
15 28 is necessary, for the purpose designated:  
15 29 Notwithstanding the reimbursement provisions in  
15 30 2008 Iowa Acts, Senate File 2425, if enacted, or any  
15 31 other provision requiring budget neutrality in setting  
15 32 hospital reimbursement rates, as additional funding  
15 33 for the medical assistance program to be used for the  
15 34 rebasing of hospital reimbursement rates under the  
15 35 medical assistance program:  
15 36 ..... \$ 5,500,000>  
15 37 #19. Page 46, by inserting after line 7 the  
15 38 following:  
15 39 <Sec. \_\_\_\_\_. 2008 Iowa Acts, House File 2699,  
15 40 section 4, subsection 3, if enacted, is amended by  
15 41 adding the following new paragraph:  
15 42 NEW PARAGRAPH. e. The department of economic  
15 43 development shall coordinate with the department of  
15 44 natural resources, the Iowa finance authority, and the  
15 45 United States department of agriculture in maximizing  
15 46 community development block grants and loans available  
15 47 for water, wastewater, and unsewered communities. It  
15 48 is the intent of the general assembly that the  
15 49 department recognize and provide the appropriate level  
15 50 of funding needed for wastewater and sewer projects in  
16 1 communities with populations of 200 persons or less.  
16 2 Sec. \_\_\_\_\_. 2008 Iowa Acts, House File 2699, section  
16 3 16, subsection 4, if enacted, is amended by striking  
16 4 the subsection and inserting in lieu thereof the  
16 5 following:  
16 6 4. STATEWIDE STANDARD SKILLS ASSESSMENT  
16 7 For development and administration of a statewide  
16 8 standard skills assessment to assess the employability  
16 9 skills of adult workers statewide and to provide  
16 10 instruction to department staff in the administration  
16 11 of the assessment in accordance with section 84A.5,  
16 12 subsection 1, as amended by the Eighty-second General  
16 13 Assembly, 2008 Session:  
16 14 ..... \$ 500,000>  
16 15 #20. Page 46, by inserting after line 7 the  
16 16 following:  
16 17 <Sec. \_\_\_\_\_. HEALTHY IOWANS TOBACCO TRUST ==  
16 18 APPROPRIATION == TOBACCO USE PREVENTION AND TREATMENT.  
16 19 There is appropriated from the healthy Iowans tobacco  
16 20 trust created in section 12.65 to the department of  
16 21 public health for the fiscal year beginning July 1,  
16 22 2008, and ending June 30, 2009, the following amount,  
16 23 or so much thereof as is necessary, for the purpose  
16 24 designated:  
16 25 For tobacco use prevention, cessation, and  
16 26 treatment, in addition to other appropriations made  
16 27 for this purpose:  
16 28 ..... \$ 1,000,000  
16 29 Sec. \_\_\_\_\_. DEPARTMENT OF HUMAN SERVICES == SHELTER  
16 30 CARE. There is appropriated from the general fund of  
16 31 the state to the department of human services for the  
16 32 fiscal year beginning July 1, 2008, and ending June  
16 33 30, 2009, the following amount, or so much thereof as  
16 34 is necessary, to be used for the purposes designated:  
16 35 For supplementing the appropriation made for child  
16 36 and family services in 2008 Iowa Acts, Senate File  
16 37 2425, if enacted, to be used to increase the amount  
16 38 allocated in that appropriation for shelter care to  
16 39 \$8,072,215:  
16 40 ..... \$ 1,000,000  
16 41 Sec. \_\_\_\_\_. INTERPRETERS FOR THE DEAF. There is  
16 42 appropriated from the general fund of the state to the  
16 43 department of education for the fiscal year beginning  
16 44 July 1, 2008, and ending June 30, 2009, the following  
16 45 amount, or so much thereof as is necessary, to be used  
16 46 for the purpose designated:  
16 47 Due to the high numbers of articulation agreements  
16 48 between the state school for the deaf and Iowa western  
16 49 community college, for allocation for arrangements  
16 50 made between the state school for the deaf and Iowa  
17 1 western community college for deaf interpreters:  
17 2 ..... \$ 200,000  
17 3 Sec. \_\_\_\_\_. UNITED STATES CENTER FOR CITIZEN

17 4 DIPLOMACY. There is appropriated from the general  
17 5 fund of the state to the office of the secretary of  
17 6 state for the fiscal year beginning July 1, 2008, and  
17 7 ending June 30, 2009, the following amount, or so much  
17 8 thereof as is necessary, to be used for the purpose  
17 9 designated:

17 10 For a grant to support the United States center for  
17 11 citizen diplomacy:  
17 12 ..... \$ 150,000

17 13 Sec. \_\_\_\_ DEPARTMENT OF NATURAL RESOURCES. There  
17 14 is appropriated from any interest or earning moneys in  
17 15 the federal economic stimulus and jobs holding fund to  
17 16 the department of natural resources for the fiscal  
17 17 year beginning July 1, 2008, and ending June 30, 2009,  
17 18 the following amounts, or so much thereof as is  
17 19 necessary, to be used for the purposes designated:

17 20 For the abatement, control, and prevention of  
17 21 ambient air pollution in this state, including  
17 22 measures as necessary to assure attainment and  
17 23 maintenance of ambient air quality standards from  
17 24 particulate matter:  
17 25 ..... \$ 195,000>

17 26 #21. Page 46, by inserting after line 12 the  
17 27 following:  
17 28 <Sec. \_\_\_\_ DEPARTMENT OF CULTURAL AFFAIRS ==  
17 29 BATTLE FLAG EMPLOYEES. The department of cultural  
17 30 affairs is authorized an additional 1.50 full-time  
17 31 equivalent positions for a conservation assistant and  
17 32 a part-time historian for work related to the  
17 33 stabilization and preservation of the battle flag  
17 34 collection.>

17 35 #22. Page 47, by inserting after line 18 the  
17 36 following:  
17 37 <Sec. \_\_\_\_ EFFECTIVE DATE. The section of this  
17 38 division of this Act amending 2007 Iowa Acts, chapter  
17 39 206, section 6, being deemed of immediate importance,  
17 40 takes effect upon enactment.>

17 41 #23. Page 56, by inserting after line 2 the  
17 42 following:  
17 43 <Sec. \_\_\_\_ Section 100C.6, subsection 3, as  
17 44 enacted by 2008 Iowa Acts, House File 2646, section 1,  
17 45 is amended to read as follows:  
17 46 3. Relieve any person engaged in fire sprinkler  
17 47 installation, maintenance, repair, service, or  
17 48 inspection as defined in section 100D.1 from obtaining  
17 49 a fire sprinkler installer ~~or fire sprinkler~~ and  
17 50 maintenance worker license as required pursuant to  
18 1 chapter 100D.>

18 2 #24. Page 58, line 25, by striking the words and  
18 3 figure <Sec. 106. NEW SECTION.>

18 4 #25. Page 61, by inserting after line 24 the  
18 5 following:  
18 6 <Sec. \_\_\_\_ 2008 Iowa Acts, House File 2689,  
18 7 section 35, if enacted, is amended by striking the  
18 8 section and inserting in lieu thereof the following:  
18 9 SEC. \_\_\_\_ EFFECTIVE DATE. This division of this  
18 10 Act takes effect January 1, 2009.>

18 11 #26. Page 62, by inserting after line 29 the  
18 12 following:  
18 13 <Sec. \_\_\_\_ 2008 Iowa Acts, Senate File 2432,  
18 14 section 1, subsection 5, paragraph c, if enacted, is  
18 15 amended to read as follows:  
18 16 <c. For equal distribution to regional sports  
18 17 authority districts certified by the department  
18 18 pursuant to section 15E.321, notwithstanding section  
18 19 8.57, subsection 6, paragraph "c":  
18 20 ..... \$ 500,000

18 21 Sec. \_\_\_\_ 2008 Iowa Acts, Senate File 2432,  
18 22 section 1, subsection 9, paragraph a, if enacted, is  
18 23 amended to read as follows:  
18 24 a. For purposes of supporting a water trails  
18 25 development program and a lowhead dam public hazard  
18 26 improvement program, notwithstanding section 8.57,  
18 27 subsection 6, paragraph "c":  
18 28 ..... \$ 1,000,000

18 29 The department shall award grants to dam owners  
18 30 including counties, cities, state agencies,  
18 31 cooperatives, and individuals, to support projects  
18 32 approved by the department.  
18 33 The department shall require each dam owner  
18 34 applying for a project grant to submit a project plan

18 35 for the expenditure of the moneys, and file a report  
18 36 with the department regarding the project, as required  
18 37 by the department.

18 38 The funds can be used for signs, posts, and related  
18 39 cabling, and the department shall only award money on  
18 40 a matching basis, pursuant to the dam owner  
18 41 contributing at least 20 cents for every 80 cents  
18 42 awarded by the department, in order to finance the  
18 43 project. For the remainder of the funds, including  
18 44 any balance of money not awarded for signs, posts, and  
18 45 related cabling, the department shall only award  
18 46 moneys to a dam owner on a matching basis. A dam  
~~18 47 owner shall contribute one dollar for each dollar~~  
~~18 48 awarded by the department in order to finance a~~  
~~18 49 project moneys for the water trails development~~  
18 50 program or to the lowhead dam public hazard

19 1 improvement program on a matching basis according to  
19 2 departmental rules.>

19 3 #27. Page 62, by inserting after line 29 the  
19 4 following:

19 5 <DIVISION \_\_\_\_  
19 6 ANIMAL AGRICULTURE

19 7 Sec. \_\_\_\_ Section 459.102, subsection 4, Code  
19 8 2007, is amended to read as follows:

19 9 4. "Animal feeding operation" means a lot, yard,  
19 10 corral, building, or other area in which animals are  
19 11 confined and fed and maintained for forty-five days or  
19 12 more in any twelve-month period, and all structures  
19 13 used for the storage of manure from animals in the  
19 14 operation. Am Except as required for a national

19 15 pollutant discharge elimination system permit required  
19 16 pursuant to the federal Water Pollution Control Act,  
19 17 33 U.S.C. ch. 26, as amended, an animal feeding

19 18 operation does not include a livestock market.

19 19 Sec. \_\_\_\_ Section 459A.103, subsection 3, Code  
19 20 2007, is amended to read as follows:

19 21 3. a. In calculating the animal unit capacity of  
19 22 an open feedlot operation, the animal unit capacity  
19 23 shall not include the animal unit capacity of any  
19 24 confinement feeding operation building as defined in  
19 25 section 459.102, which is part of the open feedlot  
19 26 operation.

19 27 b. Notwithstanding paragraph "a", only for  
19 28 purposes of determining whether an open feedlot  
19 29 operation must obtain an operating permit, the animal  
19 30 unit capacity of the animal feeding operation includes  
19 31 the animal unit capacities of both the open feedlot  
19 32 operation and the confinement feeding operation if the  
19 33 animals in the open feedlot operation and the  
19 34 confinement feeding operation are all in the same  
19 35 category or type of animals as used in the definitions  
19 36 of large and medium concentrated animal feeding  
19 37 operations in 40 C.F.R. pt. 122. In all other  
19 38 respects the confinement feeding operation shall be  
19 39 governed by chapter 459 and the open feedlot operation  
19 40 shall be governed by this chapter.

19 41 Sec. \_\_\_\_ Section 459A.401, subsection 2,  
19 42 paragraph a, unnumbered paragraph 1, Code Supplement  
19 43 2007, is amended to read as follows:

19 44 An open feedlot operation in compliance with the  
19 45 inspection and recordkeeping requirements of 40 C.F.R.  
19 46 pt. 122 and 40 C.F.R. pt. 412 applicable to the

19 47 operation may discharge open feedlot effluent into any  
19 48 waters of the United States due to a precipitation  
19 49 event, if any of the following apply:

19 50 Sec. \_\_\_\_ COMPLIANCE EDUCATION EFFORT. The  
20 1 department of natural resources shall provide for a  
20 2 compliance education effort. In administering the  
20 3 effort, the department, in cooperation with  
20 4 associations that represent livestock producers and  
20 5 organizations that represent farmers generally, shall  
20 6 provide information on a statewide basis to persons  
20 7 involved with maintaining animals in a confinement  
20 8 feeding operation or open feedlot operation regarding  
20 9 methods and practices to ensure compliance with this  
20 10 Act.

20 11 Sec. \_\_\_\_ APPLICABILITY AND ENFORCEMENT.

20 12 1. A person required to obtain an operating permit  
20 13 for an animal feeding operation by the department of  
20 14 natural resources pursuant to 567 IAC ch. 65, and  
20 15 section 459.102, subsection 4, as amended by this

20 16 division of this Act, or section 459A.103, subsection  
20 17 3, as amended by this division of this Act, shall  
20 18 submit an application for the operating permit to the  
20 19 department of natural resources on or before December  
20 20 31, 2008. The application for the operating permit  
20 21 must be complete, including all information required  
20 22 to be included in the application according to rules  
20 23 adopted by the department.

20 24 2. a. The state shall not take an enforcement  
20 25 action against a person arising from the person's  
20 26 failure to obtain an operating permit by the  
20 27 department of natural resources as required pursuant  
20 28 to this division of this Act if the person's  
20 29 application for the operating permit application is  
20 30 pending in accordance with subsection 1.

20 31 b. The state shall not take an enforcement action  
20 32 against a person arising from the person's failure to  
20 33 obtain an operating permit as required pursuant to  
20 34 this division of this Act for the period beginning on  
20 35 the day when the department of natural resources  
20 36 denies the person's application for the operation  
20 37 permit and ending on the thirtieth day after the  
20 38 person receives written notice that such application  
20 39 has been denied.

20 40 Sec. \_\_\_\_ EFFECTIVE DATE.

20 41 1. Except as provided in subsection 2, this  
20 42 division of this Act takes effect on December 31,  
20 43 2008.

20 44 2. The section of this division of this Act  
20 45 establishing a compliance education effort takes  
20 46 effect upon enactment.

20 47 DIVISION \_\_\_\_  
20 48 RETIREMENT FOR SENIOR JUDGES

20 49 Sec. \_\_\_\_ Section 602.9202, Code 2007, is amended  
20 50 by adding the following new subsection:

21 1 NEW SUBSECTION. 3A. "Senior judge retirement age"  
21 2 means seventy-eight years of age or, if the senior  
21 3 judge is reappointed as a senior judge for an  
21 4 additional two-year term upon attaining seventy-eight  
21 5 years of age pursuant to section 602.9203, eighty  
21 6 years of age.

21 7 Sec. \_\_\_\_ Section 602.9203, subsection 5, Code  
21 8 2007, is amended to read as follows:

21 9 5. a. A senior judge may be reappointed to  
21 10 additional two-year terms, at the discretion of the  
21 11 supreme court, if the judicial officer meets the  
21 12 requirements of subsection 2.

21 13 b. A senior judge may be reappointed to an  
21 14 additional two-year term upon attaining seventy-eight  
21 15 years of age, at the discretion of the supreme court,  
21 16 if the judicial officer meets the requirements of  
21 17 subsection 2.

21 18 Sec. \_\_\_\_ Section 602.9204, subsection 1, Code  
21 19 2007, is amended to read as follows:

21 20 1. A judge who retires on or after July 1, 1994,  
21 21 and who is appointed a senior judge under section  
21 22 602.9203 shall be paid a salary as determined by the  
21 23 general assembly. A senior judge or retired senior  
21 24 judge shall be paid an annuity under the judicial  
21 25 retirement system in the manner provided in section  
21 26 602.9109, but computed under this section in lieu of  
21 27 section 602.9107, as follows: The annuity paid to a  
21 28 senior judge or retired senior judge shall be an  
21 29 amount equal to the applicable percentage multiplier  
21 30 of the basic senior judge salary, multiplied by the  
21 31 judge's years of service prior to retirement as a  
21 32 judge of one or more of the courts included under this  
21 33 article, for which contributions were made to the  
21 34 system, except the annuity of the senior judge or  
21 35 retired senior judge shall not exceed an amount equal  
21 36 to the applicable specified percentage of the basic  
21 37 senior judge salary used in calculating the annuity.  
21 38 However, following the twelve-month period during  
21 39 which the senior judge or retired senior judge attains  
21 40 ~~seventy-eight years of senior judge retirement age,~~  
21 41 the annuity paid to the person shall be an amount  
21 42 equal to the applicable percentage multiplier of the  
21 43 basic senior judge salary cap, multiplied by the  
21 44 judge's years of service prior to retirement as a  
21 45 judge of one or more of the courts included under this  
21 46 article, for which contributions were made to the

21 47 system, except that the annuity shall not exceed an  
21 48 amount equal to the applicable specified percentage of  
21 49 the basic senior judge salary cap. A senior judge or  
21 50 retired senior judge shall not receive benefits  
22 1 calculated using a basic senior judge salary  
22 2 established after the twelve-month period in which the  
22 3 senior judge or retired senior judge attains  
22 4 ~~seventy-eight years of senior judge retirement~~ age.  
22 5 The state shall provide, regardless of age, to an  
22 6 active senior judge or a senior judge with six years  
22 7 of service as a senior judge and to the judge's  
22 8 spouse, and pay for medical insurance until the judge  
22 9 attains ~~the senior judge retirement age of~~  
~~22 10 seventy-eight years.~~

22 11 Sec. \_\_\_\_\_. Section 602.9204, subsection 2,  
22 12 paragraphs d and e, Code 2007, is amended to read as  
22 13 follows:

22 14 d. "Basic senior judge salary cap" means the basic  
22 15 senior judge salary, at the end of the twelve-month  
22 16 period during which the senior judge or retired senior  
22 17 judge attained ~~seventy-eight years of senior judge~~  
~~22 18 retirement~~ age, of the office in which the person last  
22 19 served as a judge before retirement as a judge or  
22 20 senior judge.

22 21 e. "Escalator" means the difference between the  
22 22 current basic salary, as of the time each payment is  
22 23 made up to and including the twelve-month period  
22 24 during which the senior judge or retired senior judge  
22 25 attains ~~seventy-eight years of senior judge retirement~~  
22 26 age, of the office in which the senior judge last  
22 27 served as a judge before retirement as a judge or  
22 28 senior judge, and the basic annual salary which the  
22 29 judge is receiving at the time the judge becomes  
22 30 separated from full-time service as a judge of one or  
22 31 more of the courts included in this article, as would  
22 32 be used in computing an annuity pursuant to section  
22 33 602.9107 without service as a senior judge.

22 34 Sec. \_\_\_\_\_. Section 602.9207, subsection 1, Code  
22 35 2007, is amended to read as follows:

22 36 1. A senior judge shall cease to be a senior judge  
22 37 upon completion of the twelve-month period during  
22 38 which the judge attains ~~seventy-eight years of senior~~  
~~22 39 judge retirement~~ age. The clerk of the supreme court  
22 40 shall make a notation of the retirement of a senior  
22 41 judge in the roster of senior judges, at which time  
22 42 the senior judge shall become a retired senior judge.

22 43 Sec. \_\_\_\_\_. Section 602.9208, subsection 1, Code  
22 44 2007, is amended to read as follows:

22 45 1. A senior judge, at any time prior to the end of  
22 46 the twelve-month period during which the judge attains  
22 47 ~~seventy-eight years of senior judge retirement~~ age,  
22 48 may submit to the clerk of the supreme court a written  
22 49 request that the judge's name be stricken from the  
22 50 roster of senior judges. Upon the receipt of the  
23 1 request the clerk shall strike the name of the person  
23 2 from the roster of senior judges, at which time the  
23 3 person shall cease to be a senior judge. A person who  
23 4 relinquishes a senior judgeship as provided in this  
23 5 subsection may be assigned to temporary judicial  
23 6 duties as provided in section 602.1612.

23 7 DIVISION \_\_\_\_\_  
23 8 CORE CURRICULUM FOR SCHOOLS

23 9 Sec. \_\_\_\_\_. Section 256.7, subsection 26, Code  
23 10 Supplement 2007, as amended by 2008 Iowa Acts, Senate  
23 11 File 2216, section 1, is amended to read as follows:

23 12 26. a. Adopt rules that establish a core  
23 13 curriculum and requiring, beginning with the students  
23 14 in the 2010==2011 school year graduating class, high  
23 15 school graduation requirements for all students in  
23 16 school districts and accredited nonpublic schools that  
23 17 include at a minimum satisfactory completion of four  
23 18 years of English and language arts, three years of  
23 19 mathematics, three years of science, and three years  
23 20 of social studies. The core curriculum adopted shall  
23 21 address the core content standards in subsection 28  
23 22 and the skills and knowledge students need to be  
23 23 successful in the twenty-first century. The core  
23 24 curriculum shall include social studies and  
23 25 twenty-first century learning skills which include but  
23 26 are not limited to civic literacy, health literacy,  
23 27 technology literacy, financial literacy, and

23 28 employability skills; and shall address the curricular  
23 29 needs of students in kindergarten through grade twelve  
23 30 in those areas. ~~For purposes of this subsection,~~  
23 31 ~~"financial literacy" shall include but not be limited~~  
23 32 ~~to financial responsibility and planning skills; money~~  
23 33 ~~management skills, including setting financial goals,~~  
23 34 ~~creating spending plans, and using financial~~  
23 35 ~~instruments; applying decision-making skills to~~  
23 36 ~~analyze debt incurrence and debt management;~~  
23 37 ~~understanding risk management, including the features~~  
23 38 ~~and functions of insurance; and understanding saving~~  
23 39 ~~and investing as applied to long-term financial~~  
23 40 ~~security and asset building. The department shall~~  
23 41 ~~further define the twenty-first century learning~~  
23 42 ~~skills components by rule.~~

23 43 b. Continue the inclusive process begun during the  
23 44 initial development of a core curriculum for grades  
23 45 nine through twelve including stakeholder involvement,  
23 46 including but not limited to representatives from the  
23 47 private sector and the business community, and  
23 48 alignment of the core curriculum to other recognized  
23 49 sets of national and international standards. The  
23 50 state board shall also recommend quality assessments  
24 1 to school districts and accredited nonpublic schools  
24 2 to measure the core curriculum.

24 3 ~~The state board shall not require school districts~~  
24 4 ~~or accredited nonpublic schools to adopt a specific~~  
24 5 ~~textbook or textbook series to meet the core~~  
24 6 ~~curriculum requirements of Neither the state board nor~~  
24 7 ~~the department shall require school districts or~~  
24 8 ~~accredited nonpublic schools to adopt a specific~~  
24 9 ~~textbook, textbook series, or specific instructional~~  
24 10 ~~methodology, or acquire specific textbooks, curriculum~~  
24 11 ~~materials, or educational products from a specific~~  
24 12 ~~vendor in order to meet the core curriculum~~  
24 13 ~~requirements of this subsection or the core content~~  
24 14 ~~standards adopted pursuant to subsection 28.~~

24 15 Sec. \_\_\_\_\_. Section 256.9, subsection 57, as enacted  
24 16 by 2008 Iowa Acts, section 2, is amended to read as  
24 17 follows:

24 18 57. a. Develop and distribute, in collaboration  
24 19 with the area education agencies, core curriculum  
24 20 technical assistance and implementation strategies  
24 21 that school districts and accredited nonpublic schools  
24 22 ~~may shall~~ utilize, including but not limited to the  
24 23 development and delivery of formative and  
24 24 end-of-course model assessments classroom teachers ~~can~~  
24 25 may use to measure student progress on the core  
24 26 curriculum adopted pursuant to section 256.7,  
24 27 subsection 26. The department shall ~~continue to~~  
24 28 ~~collaborate with Iowa testing programs on the~~  
24 29 ~~development of, in collaboration with the advisory~~  
24 30 ~~group convened in accordance with paragraph "b" and~~  
24 31 ~~educational assessment providers, identify and make~~  
24 32 ~~available to school districts end-of-course and~~  
24 33 ~~additional model end-of-course and additional~~  
24 34 ~~assessments to align with the expectations included in~~  
24 35 ~~the Iowa core curriculum. The model assessments shall~~  
24 36 ~~be suitable to meet the multiple assessment measures~~  
24 37 ~~requirement specified in section 256.7, subsection 21,~~  
24 38 ~~paragraph "c".~~

24 39 b. Convene an advisory group comprised of  
24 40 education stakeholders including but not limited to  
24 41 school district and accredited nonpublic school  
24 42 teachers, school administrators, higher education  
24 43 faculty who teach in the subjects for which the  
24 44 curriculum is being adopted, private sector employers,  
24 45 members of the boards of directors of school  
24 46 districts, and individuals representing the  
24 47 educational assessment providers. The task force  
24 48 shall review the national assessment of educational  
24 49 progress standards and assessments used by other  
24 50 states, and shall consider standards identified as  
25 1 best practices in the field of study by the national  
25 2 councils of teachers of English and mathematics, the  
25 3 national council for the social studies, the national  
25 4 science teachers association, and other recognized  
25 5 experts.

25 6 Sec. \_\_\_\_\_. Section 257.11, Code Supplement 2007, is  
25 7 amended by adding the following new subsection:  
25 8 NEW SUBSECTION. 8A. A school district shall

25 9 ensure that any course made available to a student  
25 10 through any sharing agreement between the school  
25 11 district and a community college or any other entity  
25 12 providing course programming pursuant to this section  
25 13 to students enrolled in the school district meets the  
25 14 expectations contained in the core curriculum adopted  
25 15 pursuant to section 256.7, subsection 26. The school  
25 16 district shall ensure that any course that has the  
25 17 capacity to generate college credit shall be  
25 18 equivalent to college-level work.

25 19 Sec. \_\_\_\_\_. Section 280.2, Code 2007, is amended to  
25 20 read as follows:

25 21 280.2 DEFINITIONS.

25 22 The term "public school" means any school directly  
25 23 supported in whole or in part by taxation. The term  
25 24 "nonpublic school" means any other school which is  
25 25 accredited ~~or which uses licensed practitioners as~~  
25 26 ~~instructors pursuant to section 256.11.~~

25 27 Sec. \_\_\_\_\_. 2008 Iowa Acts, Senate File 2216,  
25 28 section 6, is amended to read as follows:

25 29 SEC. 6. DEPARTMENT OF EDUCATION == CORE CURRICULUM  
25 30 STUDY. The department of education shall conduct a  
25 31 study of the measures necessary for the successful  
25 32 adoption by the state's school districts and  
25 33 accredited nonpublic schools of core curriculums and  
25 34 core content standards established by rule pursuant to  
25 35 section 256.7, subsections 26 and 28. The study shall  
25 36 include an examination of the possible future

25 37 expansion of the core curriculum to include content  
25 38 areas not currently included under section 256.7,  
25 39 subsection 26, including but not limited to fine arts,  
25 40 applied arts, humanities, and world languages. The  
25 41 department shall submit its findings and  
25 42 recommendations, including recommendations for  
25 43 statutory and administrative rule changes necessary,  
25 44 to the general assembly by November 14, 2008.

25 45 DIVISION \_\_\_\_

25 46 PUBLIC INFORMATION BOARD == APPROPRIATION

25 47 Sec. \_\_\_\_\_. Section 21.6, subsection 3, paragraph a,  
25 48 subparagraph (3), Code 2007, is amended to read as  
25 49 follows:

25 50 (3) Reasonably relied upon a decision of a court,  
26 1 ~~or~~ a formal opinion of the Iowa public information  
26 2 board, the attorney general, or the attorney for the  
26 3 governmental body, given in writing, or as  
26 4 memorialized in the minutes of the meeting at which a  
26 5 formal oral opinion was given, or an advisory opinion  
26 6 of the Iowa public information board, the attorney  
26 7 general, or the attorney for the governmental body,  
26 8 given in writing.

26 9 Sec. \_\_\_\_\_. Section 21.6, subsection 3, paragraph d,  
26 10 Code 2007, is amended to read as follows:

26 11 d. Shall issue an order removing a member of a  
26 12 governmental body from office if that member has  
26 13 engaged in a prior violation of this chapter for which  
26 14 damages were assessed against the member during the  
26 15 member's term. In making this determination, the  
26 16 court shall recognize violations for which damages  
26 17 were assessed by the Iowa public information board  
26 18 created in section 23.3.

26 19 Sec. \_\_\_\_\_. Section 22.10, subsection 3, paragraphs  
26 20 b and d, Code 2007, are amended to read as follows:

26 21 b. Shall assess the persons who participated in  
26 22 its violation damages in the amount of not more than  
26 23 five hundred dollars nor less than one hundred  
26 24 dollars. These damages shall be paid by the court  
26 25 imposing them to the state of Iowa if the body in  
26 26 question is a state government body, or to the local  
26 27 government involved if the body in question is a local  
26 28 government body. A person found to have violated this  
26 29 chapter shall not be assessed such damages if that  
26 30 person proves that the person either voted against the  
26 31 action violating this chapter, refused to participate  
26 32 in the action violating this chapter, or engaged in  
26 33 reasonable efforts under the circumstances to resist  
26 34 or prevent the action in violation of this chapter;  
26 35 had good reason to believe and in good faith believed  
26 36 facts which, if true, would have indicated compliance  
26 37 with the requirements of this chapter; or reasonably  
26 38 relied upon a decision of a court ~~or an a formal~~  
26 39 opinion of the Iowa public information board, the

26 40 attorney general or the attorney for the government  
26 41 body, given in writing or as memorialized in the  
26 42 minutes of the meeting at which a formal oral opinion  
26 43 was given, or an advisory opinion of the Iowa public  
26 44 information board, the attorney general, or the  
26 45 attorney for the government body, given in writing.

26 46 d. Shall issue an order removing a person from  
26 47 office if that person has engaged in a prior violation  
26 48 of this chapter for which damages were assessed  
26 49 against the person during the person's term. In  
26 50 making this determination, the court shall recognize  
27 1 violations for which damages were assessed by the Iowa  
27 2 public information board created in section 23.3.

27 3 Sec. \_\_\_\_ NEW SECTION. 23.1 CITATION AND  
27 4 PURPOSE.

27 5 This chapter may be cited as the "Iowa Public  
27 6 Information Board Act". The purpose of this chapter  
27 7 is to provide an alternative means by which to secure  
27 8 compliance with and enforcement of the requirements of  
27 9 chapters 21 and 22 through the provision by the Iowa  
27 10 public information board to all interested parties of  
27 11 an efficient, informal, and cost-effective process for  
27 12 resolving disputes.

27 13 Sec. \_\_\_\_ NEW SECTION. 23.2 DEFINITIONS.

27 14 1. "Board" means the Iowa public information board  
27 15 created in section 23.3.

27 16 2. "Complainant" means a person who files a  
27 17 complaint with the board.

27 18 3. "Complaint" means a written and signed document  
27 19 filed with the board alleging a violation of chapter  
27 20 21 or 22.

27 21 4. "Custodian" means a government body, government  
27 22 official, or government employee designated as the  
27 23 lawful custodian of a government record pursuant to  
27 24 section 22.1.

27 25 5. "Government body" means the same as defined in  
27 26 section 22.1.

27 27 6. "Person" means an individual, partnership,  
27 28 association, corporation, legal representative,  
27 29 trustee, receiver, custodian, government body, or  
27 30 official, employee, agency, or political subdivision  
27 31 of this state.

27 32 7. "Respondent" means any agency or other unit of  
27 33 state or local government, custodian, government  
27 34 official, or government employee who is the subject of  
27 35 a complaint.

27 36 Sec. \_\_\_\_ NEW SECTION. 23.3 BOARD APPOINTED.

27 37 1. An Iowa public information board is created  
27 38 consisting of five members appointed by the governor,  
27 39 subject to confirmation by the senate. Membership  
27 40 shall be balanced as to political affiliation as  
27 41 provided in section 69.16 and gender as provided in  
27 42 section 69.16A. Members appointed to the board shall  
27 43 serve staggered, four-year terms, beginning and ending  
27 44 as provided by section 69.19. A quorum shall consist  
27 45 of three members.

27 46 2. A vacancy on the board shall be filled by the  
27 47 governor by appointment for the unexpired part of the  
27 48 term. A board member may be removed from office by  
27 49 the governor for good cause. The board shall select  
27 50 one of its members to serve as chair and shall employ  
28 1 a director who shall serve as the executive officer of  
28 2 the board.

28 3 Sec. \_\_\_\_ NEW SECTION. 23.4 COMPENSATION AND  
28 4 EXPENSES.

28 5 Board members shall be paid a per diem as specified  
28 6 in section 7E.6 and shall be reimbursed for actual and  
28 7 necessary expenses incurred while on official board  
28 8 business. Per diem and expenses shall be paid from  
28 9 funds appropriated to the board.

28 10 Sec. \_\_\_\_ NEW SECTION. 23.5 ELECTION OF  
28 11 REMEDIES.

28 12 1. An aggrieved person, any taxpayer or citizen  
28 13 of this state, the attorney general, or any county  
28 14 attorney may seek enforcement of the requirements of  
28 15 chapters 21 and 22 by electing either to file an  
28 16 action pursuant to section 17A.19, 21.6, or 22.10,  
28 17 whichever is applicable, or in the alternative, to  
28 18 file a timely complaint with the board.

28 19 2. If more than one person seeks enforcement of  
28 20 chapter 21 or 22 with respect to the same incident

28 21 involving an alleged violation, and one or more of  
28 22 such persons elects to do so by filing an action under  
28 23 section 17A.19, 21.6, or 22.10 and one or more of such  
28 24 persons elects to do so by filing a timely complaint  
28 25 with the board, the court in which the action was  
28 26 filed shall dismiss the action without prejudice,  
28 27 authorizing the complainant to file a complaint with  
28 28 respect to the same incident with the board without  
28 29 regard to the timeliness of the filing of the  
28 30 complaint at the time the action in court is  
28 31 dismissed.

28 32 3. If a person files an action pursuant to section  
28 33 22.8 seeking to enjoin the inspection of a public  
28 34 record, the respondent or person requesting access to  
28 35 the record which is the subject of the request for  
28 36 injunction may remove the proceeding to the board for  
28 37 its determination by filing, within thirty days of the  
28 38 commencement of the judicial proceeding, a complaint  
28 39 with the board alleging a violation of chapter 22 in  
28 40 regard to the same matter.

28 41 Sec. \_\_\_\_ . NEW SECTION. 23.6 BOARD POWERS AND  
28 42 DUTIES.

28 43 The board shall have all of the following powers  
28 44 and duties:

28 45 1. Employ such employees as are necessary to  
28 46 execute its authority, including administrative law  
28 47 judges, and attorneys to prosecute respondents in  
28 48 proceedings before the board and to represent the  
28 49 board in proceedings before a court. Notwithstanding  
28 50 section 8A.412, all of the board's employees, except  
29 1 for the executive director and attorneys, shall be  
29 2 employed subject to the merit system provisions of  
29 3 chapter 8A, subchapter IV.

29 4 2. Adopt rules with the force of law pursuant to  
29 5 chapter 17A calculated to implement, enforce, and  
29 6 interpret the requirements of chapters 21 and 22 and  
29 7 to implement any authority delegated to the board by  
29 8 this chapter.

29 9 3. Issue, consistent with the requirements of  
29 10 section 17A.9, declaratory orders with the force of  
29 11 law determining the applicability of chapter 21 or 22  
29 12 to specified fact situations and issue informal advice  
29 13 to any person concerning the applicability of chapters  
29 14 21 and 22.

29 15 4. Receive complaints alleging violations of  
29 16 chapter 21 or 22, seek resolution of such complaints  
29 17 through informal assistance or through mediation and  
29 18 settlement, formally investigate such complaints,  
29 19 decide after such an investigation whether there is  
29 20 probable cause to believe a violation of chapter 21 or  
29 21 22 has occurred, and if probable cause has been found  
29 22 prosecute the respondent before the board in a  
29 23 contested case proceeding conducted according to the  
29 24 provisions of chapter 17A.

29 25 5. Request and receive from a government body  
29 26 assistance and information as necessary in the  
29 27 performance of its duties. The board may examine a  
29 28 record of a government body that is the subject matter  
29 29 of a complaint, including any record that is  
29 30 confidential by law. Confidential records provided to  
29 31 the board by a governmental body shall continue to  
29 32 maintain their confidential status. Any member or  
29 33 employee of the board is subject to the same policies  
29 34 and penalties regarding the confidentiality of the  
29 35 document as an employee of the government body.

29 36 6. Issue subpoenas enforceable in court for the  
29 37 purpose of investigating complaints and to facilitate  
29 38 the prosecution and conduct of contested cases before  
29 39 the board.

29 40 7. After appropriate board proceedings, issue  
29 41 orders with the force of law, determining whether  
29 42 there has been a violation of chapter 21 or 22,  
29 43 requiring compliance with specified provisions of  
29 44 those chapters, imposing civil penalties equivalent to  
29 45 and to the same extent as those provided for in  
29 46 section 21.6 or 22.10, as applicable, on a respondent  
29 47 who has been found in violation of chapter 21 or 22,  
29 48 and imposing any other appropriate remedies calculated  
29 49 to declare, terminate, or remediate any violation of  
29 50 those chapters.

30 1 8. Represent itself in judicial proceedings to

30 2 enforce or defend its orders and rules through  
30 3 attorneys on its own staff, through the office of the  
30 4 attorney general, or through other attorneys retained  
30 5 by the board, at its option.

30 6 9. Make training opportunities available to lawful  
30 7 custodians, government bodies, and other persons  
30 8 subject to the requirements of chapters 21 and 22 and  
30 9 require, in its discretion, appropriate persons who  
30 10 have responsibilities in relation to chapters 21 and  
30 11 22 to receive periodic training approved by the board.

30 12 10. Disseminate information calculated to inform  
30 13 members of the public about the public's right to  
30 14 access government information in this state including  
30 15 procedures to facilitate this access and including  
30 16 information relating to the obligations of government  
30 17 bodies under chapter 21 and lawful custodians under  
30 18 chapter 22 and other laws dealing with this subject.

30 19 11. Prepare and transmit to the governor and to  
30 20 the general assembly, at least annually, reports  
30 21 describing complaints received, board proceedings,  
30 22 investigations, hearings conducted, decisions  
30 23 rendered, and other work performed by the board.

30 24 12. Make recommendations to the general assembly  
30 25 proposing legislation relating to public access to  
30 26 government information deemed desirable by the board  
30 27 in light of the policy of this state to provide as  
30 28 much public access as possible to government  
30 29 information as is consistent with the public interest  
30 30 and the need to protect individuals against undue  
30 31 invasions of personal privacy.

30 32 Sec. \_\_\_\_ NEW SECTION. 23.7 FILING OF COMPLAINTS  
30 33 WITH THE BOARD.

30 34 1. The board shall adopt rules with the force of  
30 35 law and pursuant to chapter 17A providing for the  
30 36 timing, form, content, and means by which any  
30 37 aggrieved person, any taxpayer to or citizen of this  
30 38 state, the attorney general, or any county attorney  
30 39 may file a complaint with the board alleging a  
30 40 violation of chapter 21 or 22. The complaint must be  
30 41 filed within sixty days from the time the alleged  
30 42 violation occurred or the complainant could have  
30 43 become aware of the violation with reasonable  
30 44 diligence.

30 45 2. All board proceedings in response to the filing  
30 46 of a complaint shall be conducted as expeditiously as  
30 47 possible.

30 48 3. The board shall not charge a complainant any  
30 49 fee in relation to the filing of a complaint, the  
30 50 processing of a complaint, or any board proceeding or  
31 1 judicial proceeding resulting from the filing of a  
31 2 complaint.

31 3 Sec. \_\_\_\_ NEW SECTION. 23.8 INITIAL PROCESSING  
31 4 OF COMPLAINT.

31 5 Upon receipt of a complaint alleging a violation of  
31 6 chapter 21 or 22, the board shall do either of the  
31 7 following:

31 8 1. Determine that, on its face, the complaint is  
31 9 within the board's jurisdiction, appears legally  
31 10 sufficient, and could have merit. In such a case the  
31 11 board shall accept the complaint, and shall notify the  
31 12 parties of that fact in writing.

31 13 2. Determine that, on its face, the complaint is  
31 14 outside its jurisdiction, is legally insufficient, is  
31 15 frivolous, is without merit, involves harmless error,  
31 16 or relates to a specific incident that has previously  
31 17 been finally disposed of on its merits by the board or  
31 18 a court. In such a case the board shall decline to  
31 19 accept the complaint. If the board refuses to accept  
31 20 a complaint, the board shall provide the complainant  
31 21 with a written order explaining its reasons for the  
31 22 action.

31 23 Sec. \_\_\_\_ NEW SECTION. 23.9 INFORMAL ASSISTANCE  
31 24 == MEDIATION AND SETTLEMENT.

31 25 1. After accepting a complaint, the board shall  
31 26 promptly work with the parties through its employees  
31 27 to reach an informal, expeditious resolution of the  
31 28 complaint. If an informal resolution satisfactory to  
31 29 the parties cannot be reached, the board or the  
31 30 board's designee shall offer the parties an  
31 31 opportunity to resolve the dispute through mediation  
31 32 and settlement.

31 33 2. The mediation and settlement process shall  
31 34 enable the complainant to attempt to resolve the  
31 35 dispute with the aid of a neutral mediator employed  
31 36 and selected by the board, in its discretion, from  
31 37 either its own staff or an outside source.

31 38 3. Mediation shall be conducted as an informal,  
31 39 nonadversarial process and in a manner calculated to  
31 40 help the parties reach a mutually acceptable and  
31 41 voluntary settlement agreement. The mediator shall  
31 42 assist the parties in identifying issues and shall  
31 43 foster joint problem solving and the exploration of  
31 44 settlement alternatives.

31 45 Sec. \_\_\_\_\_. NEW SECTION. 23.10 ENFORCEMENT.

31 46 1. If any party declines mediation or settlement  
31 47 or if mediation or settlement fails to resolve the  
31 48 matter to the satisfaction of all parties, the board  
31 49 shall initiate a formal investigation concerning the  
31 50 facts and circumstances set forth in the complaint.

32 1 The board shall, after an appropriate investigation,  
32 2 make a determination as to whether the complaint is  
32 3 within the board's jurisdiction and whether there is  
32 4 probable cause to believe that the facts and  
32 5 circumstances alleged in the complaint constitute a  
32 6 violation of chapter 21 or 22.

32 7 2. If the board finds the complaint is outside the  
32 8 board's jurisdiction or there is no probable cause to  
32 9 believe there has been a violation of chapter 21 or  
32 10 22, the board shall issue a written order explaining  
32 11 the reasons for the board's conclusions and dismissing  
32 12 the complaint, and shall transmit a copy to the  
32 13 complainant and to the party against whom the  
32 14 complaint was filed.

32 15 3. a. If the board finds the complaint is within  
32 16 the board's jurisdiction and there is probable cause  
32 17 to believe there has been a violation of chapter 21 or  
32 18 22, the board shall issue a written order to that  
32 19 effect and shall commence a contested case proceeding  
32 20 under chapter 17A against the respondent. An attorney  
32 21 selected by the director of the board shall prosecute  
32 22 the respondent in the contested case proceeding. At  
32 23 the termination of the contested case proceeding the  
32 24 board shall, by a majority vote of its members, render  
32 25 a final decision as to the merits of the complaint.  
32 26 If the board finds that the complaint has merit, the  
32 27 board may issue any appropriate order to ensure  
32 28 enforcement of chapter 21 or 22 including but not  
32 29 limited to an order requiring specified action or  
32 30 prohibiting specified action and any appropriate order  
32 31 to remedy any failure of the respondent to observe any  
32 32 provision of those chapters.

32 33 b. If the board determines, by a majority vote of  
32 34 its members, that the respondent has violated chapter  
32 35 21 or 22, the board may also do any or all of the  
32 36 following:

32 37 (1) Require the respondent to pay damages as  
32 38 provided for in section 21.6 or 22.10, whichever is  
32 39 applicable, to the extent that provision would make  
32 40 such damages payable if the complainant had sought to  
32 41 enforce a violation in court instead of through the  
32 42 board.

32 43 (2) Void any action taken in violation of chapter  
32 44 21 if a court would be authorized to do so in similar  
32 45 circumstances pursuant to section 21.6.

32 46 c. The board shall not have the authority to  
32 47 remove a person from public office for a violation of  
32 48 chapter 21 or 22. The board may file an action under  
32 49 chapter 21 or 22 to remove a person from office for  
32 50 violations that would subject a person to removal

33 1 under those chapters.  
33 2 d. A final board order resulting from such  
33 3 proceedings may be enforced by the board in court and  
33 4 is subject to judicial review pursuant to section  
33 5 17A.19.

33 6 Sec. \_\_\_\_\_. NEW SECTION. 23.11 DEFENSES IN A  
33 7 CONTESTED CASE PROCEEDING.

33 8 A respondent may defend against a proceeding before  
33 9 the board charging a violation of chapter 21 or 22 on  
33 10 the ground that if such a violation occurred it was  
33 11 only harmless error or that clear and convincing  
33 12 evidence demonstrated that grounds existed to justify  
33 13 a court to issue an injunction against disclosure

33 14 pursuant to section 22.8.  
33 15 Sec. \_\_\_\_\_. NEW SECTION. 23.12 JURISDICTION.  
33 16 The board shall not have jurisdiction over the  
33 17 judicial or legislative branches of state government  
33 18 or any entity, officer, or employee of those branches,  
33 19 or over the governor or the office of the governor.  
33 20 Sec. \_\_\_\_\_. IOWA PUBLIC INFORMATION BOARD ==  
33 21 TRANSITION PROVISIONS.  
33 22 1. The initial members of the Iowa public  
33 23 information board established pursuant to this  
33 24 division of this Act shall be appointed by September  
33 25 1, 2008.  
33 26 2. Notwithstanding any provision of this division  
33 27 of this Act to the contrary, the director of the board  
33 28 and employees of the board shall not be hired prior to  
33 29 July 1, 2009.  
33 30 3. Prior to July 1, 2009, the board shall submit a  
33 31 report to the governor and the general assembly. The  
33 32 report shall include a job description for the  
33 33 executive director of the board, goals for board  
33 34 operations, and performance measures to measure  
33 35 achievement of the board's goals.  
33 36 Sec. \_\_\_\_\_. APPROPRIATION == IOWA PUBLIC INFORMATION  
33 37 BOARD. There is appropriated from the general fund of  
33 38 the state to the department of management for the  
33 39 fiscal year beginning July 1, 2008, and ending June  
33 40 30, 2009, the following amount, or so much thereof as  
33 41 is necessary, to be used for the following purpose:  
33 42 For the initial expenses of the Iowa public  
33 43 information board as established in this division of  
33 44 this Act:  
33 45 ..... \$ 6,000  
33 46 Sec. \_\_\_\_\_. LEGISLATIVE INTENT == OPEN MEETINGS AND  
33 47 PUBLIC RECORDS LAWS. It is the intent of the general  
33 48 assembly to provide as much transparency in government  
33 49 operations as possible consistent with the need to  
33 50 avoid undue invasions of personal privacy and the need  
34 1 to avoid significant interference with the achievement  
34 2 of other important and legitimate state objectives.  
34 3 To these ends, the general assembly will continue to  
34 4 consider and make any necessary technical, practical,  
34 5 and policy revisions to Iowa's open meetings law,  
34 6 chapter 21, and Iowa's public records law, chapter 22.  
34 7 DIVISION \_\_\_\_\_  
34 8 WAGE=BENEFITS TAX CREDIT PROGRAM  
34 9 Sec. \_\_\_\_\_. Section 15.335A, subsection 2,  
34 10 paragraphs b and c, Code 2007, are amended by striking  
34 11 the paragraphs and inserting in lieu thereof the  
34 12 following:  
34 13 b. "Average county wage" means the annualized,  
34 14 average hourly wage based on wage information compiled  
34 15 by the department of workforce development.  
34 16 c. "Benefits" means all of the following:  
34 17 (1) Medical and dental insurance plans. If an  
34 18 employer offers medical insurance under both single  
34 19 and family coverage plans, the employer shall be given  
34 20 credit for providing medical insurance under family  
34 21 coverage plans to all new employees.  
34 22 (2) Pension and profit sharing plans.  
34 23 (3) Child care services.  
34 24 (4) Life insurance coverage.  
34 25 (5) Other benefits identified by rule of the  
34 26 department of revenue.  
34 27 Sec. \_\_\_\_\_. Section 15.336, Code 2007, is amended to  
34 28 read as follows:  
34 29 15.336 OTHER INCENTIVES.  
34 30 An eligible business may receive other applicable  
34 31 federal, state, and local incentives and credits in  
34 32 addition to those provided in this part. ~~However, a~~  
~~34 33 business which participates in the program under this~~  
~~34 34 part shall not receive any wage-benefits tax credits~~  
~~34 35 under chapter 15I.~~  
34 36 Sec. \_\_\_\_\_. Section 15G.112, subsection 1, Code  
34 37 2007, is amended to read as follows:  
34 38 1. In order to receive financial assistance from  
34 39 the department from moneys appropriated from the grow  
34 40 Iowa values fund, the average annual wage, including  
34 41 benefits, of new jobs created must be equal to or  
34 42 greater than one hundred thirty percent of the average  
34 43 county wage. For purposes of this section, "average  
34 44 county wage" and "benefits" mean the same as defined

34 45 in section ~~15I.1~~ 15.335A.  
34 46 Sec. \_\_\_\_\_. Section 422.33, subsection 18, Code  
34 47 Supplement 2007, is amended by striking the  
34 48 subsection.  
34 49 Sec. \_\_\_\_\_. Section 422.60, subsection 10, Code  
34 50 Supplement 2007, is amended by striking the  
35 1 subsection.  
35 2 Sec. \_\_\_\_\_. Section 533.329, subsection 2, paragraph  
35 3 m, Code Supplement 2007, is amended by striking the  
35 4 subsection.  
35 5 Sec. \_\_\_\_\_. Sections 15I.2, 15I.3, and 422.11L, Code  
35 6 Supplement 2007, are repealed.  
35 7 Sec. \_\_\_\_\_. Sections 15I.1, 15I.4, 15I.5, and  
35 8 432.12G, Code 2007, are repealed.  
35 9 Sec. \_\_\_\_\_. CONTINUATION OF TAX CREDITS. The repeal  
35 10 of chapter 15I in this division of this Act does not  
35 11 affect the availability of tax credits for qualified  
35 12 new jobs in existence on June 30, 2008. Qualified new  
35 13 jobs in existence on June 30, 2008, shall continue to  
35 14 be eligible to receive the tax credits for the  
35 15 remainder of the five-year period. However, a  
35 16 business is not entitled to a tax credit for a  
35 17 qualified new job created on or after July 1, 2008.>  
35 18 #28. By renumbering as necessary.  
35 19  
35 20  
35 21  
35 22 \_\_\_\_\_  
35 23 ROBERT E. DVORSKY  
35 24 HF 2700.705 82  
mg/jp/21099